

S. Ward Greene, OSB #77413
E-mail: ward.greene@greenemarkley.com
Charles R. Markley, OSB #75240
E-mail: charles.markley@greenemarkley.com
Sean C. Currie, OSB #08297
E-mail: sean.currie@greenemarkley.com
Greene & Markley, P.C.
1515 SW Fifth Avenue, Suite 600
Portland, OR 97201
Telephone: (503) 295-2668
Facsimile: (503) 224-8434
Attorneys for Plaintiffs and Counterclaim-Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

FIELD TURF BUILDERS, LLC, an Oregon
limited liability company; **MARK RYAN**,

No. 09-CV-671-HA

Plaintiffs-Counterclaim-Defendants,

v.

FIELDTURF USA, INC., a Florida
corporation; **FIELDTURF TARKETT USA**
HOLDINGS, INC., a foreign corporation;
JOE FIELDS; MICHAEL MCNEIL,

Defendants.

**PLAINTIFFS'/COUNTERCLAIM-
DEFENDANTS' MOTION TO
COMPEL PRODUCTION AND
ORDER THAT PARTICIPANTS BE
MADE AVAILABLE FOR
DEPOSITIONS**

ORAL ARGUMENT REQUESTED

FIELDTURF USA, INC., a Florida
corporation,

Counterclaim-Plaintiff,

v.

CRYSTAL RYAN, BOECKMAN
PROPERTIES, LLC, an Oregon limited
liability company, and **GULF PACIFIC CO.**,
an Oregon corporation,

Additional Counterclaim-Defendants.

LR 7-1 CERTIFICATION

Pursuant to Local Rule 7-1(a), the moving party certifies that counsel for plaintiffs and counterclaim-defendants (“plaintiffs”) made a good faith effort through personal and telephone conversations with counsel for defendants and counterclaim-plaintiff (“defendants”) to address the issues raised by this motion and was unable to resolve this dispute.

MOTIONS

Pursuant to Fed. R. Civ. P. 37(a) and in accordance with LR 26-3 and 37-1, plaintiffs hereby respectfully move this court:

- 1) To compel defendants to produce the following documents:

TT000131	TT000599-TT000605	TT001377
TT000228	TT000689-TT000693	TT001423-TT001424
TT000242-TT000246	TT000697	TT001433-TT001434
TT000292-TT000309	TT000699	TT001702-TT001704
TT000324	TT000701-TT000702	TT001706
TT000328	TT000704	TT001708
TT000363	TT000707	TT001909
TT000533	TT000812-TT000814	TT001912-TT001913
TT000534-TT000536	TT000996	TT001917-TT001923
TT000538-TT000541	TT000999	TT001924-TT001931
TT000549-TT000568	TT001034-TT001035	
TT000595-TT000598	TT001078	

2) In the alternative to producing the documents listed, plaintiffs move this court to review the enumerated documents *in camera* and determine whether the documents are protected by the asserted privileges.

3) Plaintiffs further move this Court to compel defendants to respond to the following interrogatories:

INTERROGATORY NO. 14:

Identify each person to whom you communicated that you or your affiliates would be moving anything on March 27, 2009, from 9500 SW Boeckman Rd., Wilsonville, Oregon 97070, to another location, and, as to each person state:

- (A) the time any such communication was made;
- (B) the manner any such communication was transmitted;
- (C) the maker and recipient(s) of any such communication;
- (D) whether any such communication requested permission, acknowledged a need for permission, or expressed an opinion on the need for permission to moving anything on March 27, 2009, from 9500 SW Boeckman Rd., Wilsonville, Oregon 97070.

INTERROGATORY NO. 16:

Identify each person who participated in the incidents on March 27, 2009, including the role each person played.

4) In the event additional witnesses are identified, plaintiffs also move for an order extending the discovery deadline to enable plaintiffs to take any necessary depositions.

This motion is supported by the record herein, plaintiffs' memorandum of law and the declaration of Sean C. Currie submitted herewith.

DATED this 14th day of June, 2011.

GREENE & MARKLEY, P.C.

By /s/ Sean C. Currie

Charles R. Markley, OSB #75240
S. Ward Greene, OSB #77413
Sean C. Currie, OSB #08297
Telephone: (503) 295-2668
Attorneys for Plaintiffs/Counterclaim-
Defendants

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CERTIFICATE OF SERVICE

I hereby certify that, on the date set forth below, true and correct copies of **PLAINTIFFS'/COUNTERCLAIM-DEFENDANTS' MOTION TO COMPEL PRODUCTION AND ORDER THAT PARTICIPANTS BE MADE AVAILABLE FOR DEPOSITIONS** were served by **electronic notice** through the U.S. District Court's ECF system upon the following:

Jeffrey M. Edelson, Esq.
Stacy Owen, Esq.
Markowitz Herbold, et al.
1211 SW 5th Avenue, Suite 3000
Portland, OR 97204
Email: jeffedelson@mhgm.com

DATED this 14th day of June, 2011.

/s/ Sean C. Currie
Sean C. Currie, OSB #08297
Attorneys for Plaintiffs/Counterclaim-
Defendants